

FISCAL IMPACT STATEMENT ON BILL NO. **S. 37**

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TO:	The Honorable Harvey S. Peeler, Chairman, Senate Medical Affairs Committee		
FROM:	Office of State Budget, Budget and Control Board		
ANALYSTS:	R.J. Stein		
DATE:	February 19, 2009	SBD:	2009070

AUTHOR:	Senator Ford	PRIMARY CODE CITE:	44-1-295
SUBJECT:	Ban on Industrial Facility License within 3 1/2 Miles of a Residence		

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:
See Below

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:
See Below

BILL SUMMARY:

Senate Bill 37 amends Chapter 1, Title 44 of the Code of Laws of South Carolina, 1976, by adding Section 44-1-295 which prohibits the Department of Health & Environmental Control from issuing a license or permit to an industrial facility if the facility is within three and one-half miles of a residence if human injury or death could result from the operation of the facility. The Department is also required to issue a cease and desist order to any such facility that has had an incident causing human harm within the last 15 years.

EXPLANATION OF IMPACT:

The Department of Health & Environmental Control reports that it does not currently maintain data on the proximity of industrial facilities to residences. In additions, DHEC does not maintain data on injuries or death resulting from the operation, production process or release of industrial waste from industrial facilities. The Bill would also require DHEC to issue cease and desist order to an existing industrial facility if a residence is constructed within three and one-half miles of its location. Since the Department does not currently maintain the type of data needed to enforce this Bill's provisions the Department indicates the impact on expenditures is not readily determinable.

LOCAL GOVERNMENT IMPACT:

None.

SPECIAL NOTES:

Enactment of this Bill could have an impact on the state's economic activity. The Board of Economic Advisors is the appropriate entity to address any revenue impact associated with this Bill.

Approved by:



Harry Bell
Assistant Director, Office of State Budget